IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 9941 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL
and
Hon'ble MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAMESH BHAI DADUBHAI

Versus

STATE OF GUJARAT

Appearance:
THROUGH JAIL for Petitioner No. 1
MR RM CHAUHAN APP for Respondents

CORAM : MR.JUSTICE J.M.PANCHAL
and
MR.JUSTICE J.R.VORA

Date of decision: 08/01/2002

ORAL JUDGEMENT (Per : MR.JUSTICE J.M.PANCHAL)

1. Rule. Mr.R.M. Chauhan, learned APP waives

service of notice of rule on behalf of the respondents. Having regard to the facts of the case, the Application is taken up for final disposal today.

2. By submitting this Application through the Jail Superintendent, Central Jail, Baroda, the prisoner i.e. Rameshai Dadubhai, who is undergoing sentence of life imprisonment at Central Jail, Baroda, has prayed that either the Appeal filed by him be heard immediately or he be granted regular bail or he be granted temporary bail to enable him to lookafter his ailing wife and father.

3. Heard the learned Counsel for the State. In the Application, the convict has not specified as to from which ailment his wife and father are suffering. No medical certificate is annexed in support of his case that his father and wife are suffering from any ailment. Under the circumstances, prayer to grant temporary bail cannot be entertained and is liable to be rejected. As far as hearing of Appeal is concerned, we find that the Appeal filed by the convict is not notified on Final Hearing Board and, therefore, we are of the opinion that interest of justice would be served if Office is directed to notify the Appeal filed by the Convict before the Court for final hearing.

3. For the foregoing reasons, the Application partly succeeds. The prayer made by the convict to grant him on temporary bail is rejected. Office is directed to notify Criminal Appeal No. 274/96 filed by the Convict on Final Hearing Board commencing from February 25, 2002. Rule is made absolute accordingly.

(J.M. Panchal, J.)

(J.R. Vora, J.)

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